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June 14, 2019

By ECF

Hon. Jack B. Weinstein
United States District Judge
225 Cadman Plaza
Brooklyn, NY 11201

Re: *Belfiore v. The Procter & Gamble Co.*, No. 14-CV-4090

Dear Judge Weinstein,

I write on behalf of Plaintiff Anthony Belfiore (“Plaintiff”) in the above-captioned action. Counsel for Plaintiff and Defendant Procter & Gamble Company (“Defendant” or “P&G”) have met and conferred regarding a schedule for the evidentiary hearing and any reports or briefing beforehand.

After further discussion with Mr. Weir, the earliest he could possibly submit a supplemental report is July 9. As we previously informed the Court, he is scheduled for trial the week of July 15 and could not attend an evidentiary hearing. ECF No. 276. Plaintiff’s counsel are unavailable the week of July 15, but generally available any time after that week. Mr. Weir also has a deposition scheduled the following week, and could be available for a hearing on Friday, July 26, or any time in the following two weeks (i.e., the weeks of July 29 and August 5). After we so informed counsel for P&G of Mr. Weir’s and counsel’s unavailability the week of July 15, P&G said that its expert is only available the week of July 15.

Defendants’ joint letter this afternoon is the first time that P&G has suggested Mr. Weir submit any supplemental report by June 21, which is an absurd proposal. As they know, there is a difference between possessing data and evaluating data for a report—it is not an instantaneous process.

Defendants also incorrectly suggest that Mr. Weir has been working on this case since his prior reports in 2015. This Court stayed discovery for years, and, as such, Mr. Weir has not performed any work in this action since the submission of the motion for class certification. P&G does have his reports and analysis on Freshmates in the *Pettit* action and conducted his deposition regarding his analysis. P&G opposed class certification attacking Mr. Weir’s analysis of injury and damages. The Court rejected P&G’s argument and certified a California Class of Freshmates consumers.

We suggest that the Court schedule a single day for Mr. Weir to testify and be cross examined at the end of July, with additional days scheduled to accommodate Defendants’ witnesses.

Respectfully submitted,

/s/ Lester L. Levy

Lester L. Levy

cc: All Counsel of Record (via ECF)